

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RICKY COCHRAN, ALAIN BERREBI, and
JARAMEY STOBBE, individually and on
behalf of all others similarly situated,

Plaintiffs,

V.

THE KROGER CO. and ACCELLION, INC.

Defendants.

Case No. 3:21-cv-04745-TSH

Hon. Edward J. Davila

**DECLARATION OF COLLEEN T.
BROWN IN SUPPORT OF MOTION FOR
FINAL APPROVAL OF NATIONWIDE
CLASS SETTLEMENT**

1 I, Colleen T. Brown, declare as follows:

2

3 1. I am a partner at the law firm of Sidley Austin LLP, counsel for Defendant The Kroger Co.

4 (“Kroger”) in this case. I submit this declaration in support of the Motion for Final Approval

5 of Nationwide Class Settlement. I have personal knowledge of the matters set forth below,

6 and could and would competently testify to them if called to do so.

7

8 2. On June 30, 2021, Class Plaintiffs filed a motion for preliminary approval of the Nationwide

9 Class Action Settlement in this case. ECF Nos. 31, 32. On November 11, 2021, this Court

10 issued an Order Granting Preliminary Approval of the Nationwide Class Action Settlement in

11 this case. ECF No. 98. In its order the Court approved certain notice measures within Kroger’s

12 control, namely posting of information about the Settlement on Kroger’s intranet called “The

13 Feed.”

14

15 3. As counsel for Kroger, I advised Kroger on implementing the Court’s order. I have represented

16 Kroger for several years and am familiar with its business practices relevant to that

17 representation. Kroger directly provided notice of the Nationwide Class Action Settlement

18 through “The Feed”, “Fresh News”, “the Daily Juice”, and “the Scoop”, all of which constitute

19 intranet, email, or newsletter communications to Kroger associates. Those avenues of

20 providing notice are described below.

21

22 4. Kroger maintains an internal intranet, referred to as “The Feed”, to which Kroger associates

23 have access and view frequently for important Company updates as well as shift schedules for

24 in-store associates.

25

26 5. On December 20, 2021, Kroger began informing associates through “The Feed” of the

27 nationwide class action settlement. The notice provided on “the Feed” including an

28 explanation that “Recently, a settlement was reached with Kroger related to the Accellion data

1 security incident which occurred last January. Customers and associates who were impacted
2 will receive an email and a letter informing them of the settlement and actions they may take.
3 For more information, please visit <https://www.krogerftadatabreachsettlement.com/>.” On
4 January 10, 2022, Kroger provided additional notice on “the Feed” regarding the nationwide
5 class settlement.

6 6. Kroger maintains an associate email list, referred to as “Fresh News”, which is distributed on
7 a daily basis to certain associates.

8 7. On December 21, 2021, Kroger informed associates of the nationwide class action settlement
9 in this case through “Fresh News”. This notice through “Fresh News” paralleled the
10 information included in its notice on “the Feed”.

11 8. Kroger distributes an associate newsletter, referred to as “the Daily Juice”, which is distributed
12 for each Kroger Division to certain Kroger store teams of associates on a daily basis.

13 9. On December 22, 2021, Kroger informed associates of the nationwide class action settlement
14 in this case through “the Daily Juice”. This notice through “the Daily Juice” paralleled the
15 information included in its notice on “the Feed”.

16 10. Kroger distributes an associate newsletter, referred to as “the Scoop”, which is distributed for
17 each Kroger Division certain Kroger store teams of associates on a weekly basis.

18 11. On January 10, 2022, Kroger informed associates through “the Scoop” that a nationwide class
19 action settlement was reached in this case. “The Scoop” also linked to an article posted on
20 “The Feed”.

21 I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and
22 correct.

23 Executed in Washington, D.C. on January 14, 2022

24 /s/ Colleen Theresa Brown